

MS# 180498.1 (4945)

**REMARKS**

Applicants have thoroughly considered the Examiner's remarks and have amended the application in light thereof. Claims 1-8, 12-20, 22-30, 34-43 and 45-53 are presented in the application for further examination. Independent claims 1, 15, 23, 30, and 40 have been amended by this Amendment F and claims 9-11, 21, 31-33 and 44 have been canceled. Reconsideration of the application claims as amended and in view of the following remarks is respectfully requested. The following remarks will follow the sequence of the Office action (the numerals at the beginning of the paragraphs below correspond to the numbered paragraphs of the Office action).

1. The abstract has been amended as suggested. The objection should be withdrawn.

**Response to Claim Rejections under 35 U.S.C. § 103**

3.-5. Claims 1-53 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gossett Dalton, Jr. et al. (U.S. Patent No. 6,426,955) in view of Sikora et al. (U.S. Patent No. 6,449,646). The Examiner argues that Gossett Dalton, Jr. et al. disclose an internet telephony call routing engine. The Examiner further argues that one skilled in the art would use a user computer having a data connection to a web server as taught by Sikora et al. in Gossett Dalton, Jr. et al.

Claim 1, as amended, now recites a:

conversion logic for receiving voice data and converting said received voice data to streaming audio for transmission over the data network and for receiving streaming audio over said data network and converting said received streaming audio to said voice data for transmission over the data network wherein by converting said voice data to said streaming audio, and by converting said streaming audio to said voice data, a two way connection between said plurality of telephonic devices is established over a data network.

Thus, amended claim 1 recites the subject matter of claims 9-11, which claims have been canceled. With regard to claims 9-11 and this subject matter, the Examiner argues that Fig. 1 and col. 3, line 62 to col. 4, line 12 disclose this subject matter. However, a close reading of this part of Gossett Dalton, Jr. et al. reveals that it fails to address a two way connection over the data

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network between the telephone devices handling streaming audio. Thus, Applicants submit that claim 1 and the claims depending therefrom are patentable.

In light of the foregoing, independent claims 15, 23, 30, and 40 have been similarly amended to clarify that by converting the voice data to streaming audio, and by converting the streaming audio to voice data, a two way connection between the plurality of telephonic devices is established over a data network. Accordingly, Applicants submit that Gossett Dalton, Jr. et al. in combination with Sikora et al. fail to teach or disclose each and every element of claims 1, 15, 23, 30, and 40. And these claims are believed to be allowable over such art.

6. Claims 24 and 26 stand rejected further in view of Tel (US 5,943,648). Because claims 24 and 26 depend from amended independent claim 15, claims 24 and 26 are patentable for at least the same reasons as claim 15.

7. Claim 25 stands rejected further in view of Lang et al. (US 6,188,683). Because claim 25 depends from amended independent claim 15, claim 25 are patentable for at least the same reasons as claim 15.

#### **Response to Examiner's Remarks**

8. Applicants respectfully acknowledge the Examiner's response to the arguments submitted in Amendment E. Applicants have amended the application in light thereof and request favorable reconsideration of the application in view of the foregoing remarks.

#### **Request to Withdraw Final Rejection**

9. In the event that this Amendment F does not place this application in condition for allowance, Applicants submit that designating the Office action mailed January 24, 2005 as final is improper. Since Applicants filed a Request for Continued Examination (RCE) and amended the claims, under Rule 114 and the MPEP corresponding thereto Applicants are entitled to TWO office actions after the RCE. Since the Office action mailed January 24 is the first Office action after the RCE, and since Applicants amended the claims by Amendment E, the finality of the Office action is improper and must be withdrawn. Thus, this Amendment F must be entered.


#### **Conclusion**

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It is felt that a full and complete response has been made to the Office action and, as such, places the application in condition for allowance. Such allowance is hereby respectfully requested. If the Examiner feels, for any reason, that a personal interview will expedite the prosecution of this application, he is invited to telephone the undersigned.

Applicants believe that no fee is due in connection with this Amendment F. If, however, the Commissioner determines that a fee is due, he is authorized to charge Deposit Account No. 19-1345.

Respectfully submitted,



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